

June 7, 2004

United States Department of Transportation
Central Docket Office, PL-401
400 Seventh Street SW
Washington, D.C. 20590

Reference:

Docket Number FTA-2004-17196

RIN 2132-AA76

NPRM: Rail Fixed Guideway Systems, State Safety Oversight

Dear Sir or Madam:

The MTA has reviewed the above-referenced NPRM, and offers the comments set forth below.

1. Section 659.27(a)(1): The proposed rule change would require notification and investigation of all incidents in which an individual is confirmed dead within 30 days of the incident. This would require the transit agency to track the medical status of individuals for an extended period of time, in order to determine the necessary next steps. However, because of the Privacy Act, MTA-New York City Transit often has difficulty obtaining information from hospitals, even on a single occasion immediately after an incident. The need to extend tracking for 30 days would compound this difficulty. New York State PTSB currently requires investigation of incidents in which an individual is confirmed dead within 24 hours of the incident. The MTA recommends using this requirement.

2. Section 659.27(a)(2): The proposed rule change also requires notification of any incident that results in immediate medical attention away from the scene for two or more individuals. However, during many incidents, employees or customers are transported to a hospital and then released. Because these incidents/injuries are not severe, the benefit of investigating such cases is questionable. In contrast, the NTSB currently requires notification of a serious injury (requiring admission to a hospital) to two or more crew members or passengers. The MTA recommends employing the NTSB's requirement, to maximize the collection of useful data and to make guidelines consistent.

3. Section 659.29: As noted above, the proposed rule significantly increases the overall investigative workload, although the additional investigations are likely to yield little benefit. Further, Section 659.29(c) enables the Oversight agency to designate the rail transit agency to conduct an investigation on its behalf. The change to 659.29(c) increases the workload concern and strengthens the need to revise the investigation thresholds as recommended in comments #1 and #2.

Thank you for the opportunity to comment on this matter. If you should have any questions or need additional information, please contact me at 212-878-7228.

Sincerely,

Fredericka Cuenca
Director of Policy
Metropolitan Transportation Authority
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